

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	Case No. 1:23-cr-109
)	
v.)	Judge Atchley
)	
KEMARVO FABIAN SMITH)	Magistrate Judge Steger

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a Report and Recommendation [Doc. 41] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one count Indictment; (2) accept Defendant's guilty plea to Count One of the one count Indictment; (3) adjudicate Defendant guilty of possession of a firearm and ammunition by a convicted felon in violation of 18 U.S.C. § 922(g)(1); and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

Neither party filed a timely objection to the Report and Recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's Report and Recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the one count Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One of the one count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of possession of a firearm and ammunition by a convicted felon in violation of 18 U.S.C. § 922(g)(1); and
4. Defendant **SHALL REMAIN** in custody pending further order of this Court or sentencing which is scheduled to take place on **August 7, 2025, at 10:00 a.m.**, before the undersigned.

SO ORDERED.

/s/Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE